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NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201-4714

EXAMINER	
ERB, NATHAN	

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/035,244	NAKAMURA ET AL.	
	Examiner	Art Unit	
	Nathan Erb	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☒ Claim(s) *7 and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20020222*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 7 and 21 are objected to because of the following informalities:

a. In the second to last line of claim 7, please replace the phrase "until time" with --until the time--.

b. In the second line of claim 21, please replace the phrase "net work" with --network--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3, 6-9, and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claim 1**, on the sixth line of the claim, the phrase "a function" appears. The phrase "said function" appears above on the fifth line of claim 1. It is unclear whether the same or a different "function" is being referred to.

As per **Claim 1**, on the seventh line of the claim, the phrase "an instruction" appears. The phrase "a user's instruction" appears above on the fourth and fifth lines of claim 1. It is unclear whether the same or a different "instruction" is being referred to.

As per **Claim 1**, on the ninth line of the claim, the phrase "a trial period" appears. The phrase "a trial period" appears above on the fifth line of claim 1. It is unclear whether the same or a different "trial period" is being referred to.

As per **Claim 3**, on the first and second lines of p. 44, the phrase "a trial period" appears. The phrase "a trial period" appears above on the fifth line of claim 1, from which claim 3 either directly or indirectly depends. It is unclear whether the same or a different "trial period" is being referred to.

As per **Claim 3**, on the second line of p. 44, the phrase "a function" appears. The phrase "a function" appears above on the sixth line of claim 1, from which claim 3 either directly or indirectly depends. It is unclear whether the same or a different "function" is being referred to.

As per **Claim 6**, on the second line of the claim, the phrase "a trial period" appears. The phrase "a trial period" appears above on the fifth line of claim 1, from which claim 6 either directly or indirectly depends. It is unclear whether the same or a different "trial period" is being referred to.

As per **Claim 7**, on the second line of p. 45, the phrase "a function" appears. The phrase "said function" appears above on the third line of claim 6, from which claim 7 either directly or indirectly depends. It is unclear whether the same or a different "function" is being referred to.

As per **Claim 8**, on the fifth line of the claim, the phrase "a trial period" appears. The phrase "a trial period" appears above on the second line of claim 6, from which claim 8 either directly or indirectly depends. It is unclear whether the same or a different "trial period" is being referred to.

As per **Claim 9**, on the fourth line of the claim, the phrase "a trial period" appears. The phrase "a trial period" appears above on the fifth line of claim 8, from which claim 9 either directly or indirectly depends. It is unclear whether the same or a different "trial period" is being referred to.

As per **Claim 24**, on the third line of p. 50, the phrase "an instruction" appears. The phrase "a user's instruction" appears above on the sixth and seventh lines of claim 24. It is unclear whether the same or a different "instruction" is being referred to.

As per **Claim 24**, on the fifth line of p. 50, the phrase "a control section" appears. The phrase "a control section" appears above on the first and second lines of claim 24. It is unclear whether the same or a different "control section" is being referred to.

As per **Claim 24**, on the fifth line of p. 50, the phrase "a trial period" appears. The phrase "a trial period" appears above on the seventh line of claim 24. It is unclear whether the same or a different "trial period" is being referred to.

As per **Claim 25**, on the ninth line of the claim, the phrase "a function" appears. The phrase "said function" appears above on the eighth line of claim 25. It is unclear whether the same or a different "function" is being referred to.

As per **Claim 25**, on the tenth line of the claim, the phrase "an instruction" appears. The phrase "a user's instruction" appears above on the seventh and eighth lines of claim 25. It is unclear whether the same or a different "instruction" is being referred to.

As per **Claim 25**, on the fourth to last line of the claim, the phrase "a control section" appears. The phrase "a control section" appears above on the third line of claim 25. It is unclear whether the same or a different "control section" is being referred to.

As per **Claim 25**, on the fourth to last line of the claim, the phrase "a trial period" appears. The phrase "a trial period" appears above on the eighth line of claim 25. It is unclear whether the same or a different "trial period" is being referred to.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 24 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to a computer program, without the computer-readable medium needed to realize the computer program's functionality. Therefore,

the claim is directed to nonstatutory functional descriptive material. See MPEP 2106(IV)(B)(1)(a).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

7. Claims 1-3, 6, 8-9, 11, 13-14, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenstemaker et al., U.S. Patent No. 6,490,684 B1.

As per **Claims 1 and 24**, Fenstemaker et al. discloses:

- a trial management system (column 1, lines 38-50);

- a storage section storing one or more functions to be a target of trial (column 1, lines 38-50; column 2, lines 35-38);

- a trial instruction giving section for receiving a user's instruction on a trial period for said function (column 1, lines 38-50);

- a specifying section for specifying a function, a trial of which is started, according to an instruction received by said trial instruction giving section (column 1, lines 38-50);

- a control section for setting a trial period for the function specified by said specifying section in accordance with the instruction received by said trial instruction giving section (column 1, lines 38-50; column 4, lines 16-30; column 5, lines 1-13);

- a program for a computer (column 5, lines 41-67).

As per **Claim 2**, Fenstemaker et al. further discloses: wherein said trial instruction giving section receives the user's instruction in the form of input of a trial key associated with each function (column 1, lines 38-50).

As per **Claim 3**, Fenstemaker et al. further discloses: wherein said trial key includes data of said function itself and trial-use limitations imposed thereon (column 4, line 61, through column 5, line 13); when said trial key is inputted to said trial instruction giving section, said control section sets a trial period for a function specified by the trial key received by said trial instruction giving section according to the trial-use limitations indicated by the trial key received by said trial instruction giving section (column 1, lines 38-50; column 4, line 61, through column 5, line 13).

As per **Claim 6**, Fenstemaker et al. further discloses: wherein said control section changes a trial period for said function (column 4, lines 31-44).

As per **Claim 8**, Fenstemaker et al. further discloses: wherein said trial instruction giving section receives the user's instruction in the form of a specified key associated with a trial period of each function (column 1, lines 38-50; column 4, lines 31-44; p. 14 of applicants' specification gives an example for a "specified key" wherein the key changes a trial period); said control section sets the trial period of said function according to data of the trial period indicated by the

specified key received by said trial instruction giving section (column 1, lines 38-50; column 4, lines 31-44; p. 14 of applicants' specification gives an example for a "specified key" wherein the key changes a trial period).

As per **Claim 9**, Fenstemaker et al. further discloses: wherein said control section judges whether or not the specified key received by said trial instruction giving section indicates data which extends a trial period, and extends the trial period for the function specified by said trial instruction giving section when said specified key indicates the data which extends the trial period (column 1, lines 38-50; column 4, lines 31-44; p. 14 of applicants' specification gives an example for a "specified key" wherein the key changes a trial period).

As per **Claim 11**, Fenstemaker et al. further discloses: wherein said control section judges whether or not the specified key is an authorized key which gives an instruction to terminate the trial period so as to proceed to a state of authorized use, and when the specified key received by said trial instruction giving section is the authorized key, said control section terminates the trial period for the function specified by said trial instruction giving section and proceeds to the state of authorized use (column 1, lines 38-50; column 4, lines 31-44).

As per **Claim 13**, Fenstemaker et al. further discloses: wherein said trial instruction giving section is an operation panel which is provided with a key group for receiving the user's instruction and a display section for displaying guidance information including a process status with respect to the user (column 2, line 55, through column 3, line 26).

As per **Claim 14**, Fenstemaker et al. further discloses: wherein said storage section stores a plurality of functions to be the target of trial (column 1, lines 38-50; column 2, lines 35-38); said display section displays a list of some of said plurality of functions which are confirmed as available (column 2, line 55, through column 3, line 26).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Cooper et al., U.S. Patent No. 6,654,888 B1. Fenstemaker et al. further discloses: a trial key in the form of an electronic key which is a code to release a program subject to access-protect from the access-protect (column 1, lines 38-50; column 2, line 55, through column 3, line 51). Fenstemaker et al. fails to disclose wherein said trial key includes a trial key in the form of a start trial button. Cooper et al. discloses wherein said trial key includes a trial key in the form of a start trial button (column 8, lines 18-20; the icon acts as a start trial button). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that said trial key includes a trial key in the form of a start trial button, as disclosed by Cooper et al. Cooper et al. provides motivation in that the start trial

button allows a trial to be started and allowing trial use may increase sales (column 8, lines 18-20, column 1, lines 22-30).

10. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Kohtani et al., U.S. Patent No. 6,236,464 B1.

As per **Claim 5**, Fenstemaker et al. further discloses: wherein said control section sets only those functions which are operational to be available in a trial mode (column 1, lines 38-50; column 2, line 55, through column 3, line 26; the reference mentions the ability to make the disabled functions in the list enabled; therefore, all of the functions listed must be operational). Fenstemaker et al. fails to disclose wherein said control section judges whether or not said function is operational. Kohtani et al. discloses wherein said control section judges whether or not said function is operational (column 1, line 45, through column 2, line 22; system checks what functions are operational). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that said control section judges whether or not said function is operational, as disclosed by Kohtani et al. Kohtani et al. provides motivation in that it explains that in order to use a function, it is necessary to know what functions are operational on a device (column 1, lines 10-25).

As per **Claim 12**, Fenstemaker et al. fails to disclose wherein said control section judges whether or not an environment which is essential to carrying out the function is completely available, and when the environment essential to carrying out the function is not completely available, said control section terminates the use of the function. Kohtani et al. discloses wherein

said control section judges whether or not an environment which is essential to carrying out the function is completely available, and when the environment essential to carrying out the function is not completely available, said control section terminates the use of the function (column 9, lines 9-17). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that said control section judges whether or not an environment which is essential to carrying out the function is completely available, and when the environment essential to carrying out the function is not completely available, said control section terminates the use of the function, as disclosed by Kohtani et al. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicants' invention that there is no value in trying to use a function which cannot be performed.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Swix et al., U.S. Patent No. 6,609,253 B1. Fenstemaker et al. fails to disclose wherein, when said control section detects expiration of the trial period for a function during execution of a job thereof, then said control section postpones the expiration of the trial period for the function until the time the job of the function is actually completed. Swix et al. discloses wherein, when said control section detects expiration of the trial period for a function during execution of a job thereof, then said control section postpones the expiration of the trial period for the function until the time the job of the function is actually completed (column 4, lines 29-45; the reference is analogous art because it is in the same field of endeavor as applicants' invention, that is, the business method arts; the time for watching the program is the trial period in this case; the function in this case is delivering the program; the job in this case is a single

program order; the grace period in the reference is effectively an extension of time to finish watching the program). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that when said control section detects expiration of the trial period for a function during execution of a job thereof, then said control section postpones the expiration of the trial period for the function until the time the job of the function is actually completed, as disclosed by Swix et al. Swix et al. provides motivation in that a grace period to finish a job avoids the job being cut off in the middle (column 2, lines 28-50; column 4, lines 37-42).

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Kohut, U.S. Patent No. 6,246,769 B1. Fenstemaker et al. fails to disclose wherein said control section judges whether or not the key indicates correct data, and when an incorrect key is inputted a predetermined number of times, said control section terminates a function. Kohut discloses wherein said control section judges whether or not the key indicates correct data, and when an incorrect key is inputted a predetermined number of times, said control section terminates a function (column 14, lines 26-31; claim 1; card can become useless after a predetermined number of incorrect code entries). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that said control section judges whether or not the key indicates correct data, and when an incorrect key is inputted a predetermined number of times, said control section terminates a function, as disclosed by Kohut. Kohut inherently provides motivation in that such a feature prevents an unauthorized person from breaking a code through several repeated trial-and-error guesses (column 14, lines 26-31; claim 1).

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Lieberman, Brett, "Juno to Provide New Web // Internet Access to Be Combined With Free E-mail," The Patriot-News, Final Edition, Harrisburg, PA, July 28, 1998, p. D.02. Fenstemaker et al. fails to disclose listing the length of a trial period. Lieberman discloses listing the length of a trial period (section A). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it lists the length of a trial period, as disclosed by Lieberman. Lieberman inherently provides motivation in that the purpose of listing the length of a trial period is obviously to communicate the length of that trial period (section A).

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Ochiai, U.S. Patent No. 6,195,171 B1, in further view of Shimizu et al., U.S. Patent No. 5,109,434. Fenstemaker et al. fails to disclose a communications board. Ochiai discloses a communications board (column 7, lines 35-50). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it includes a communications board, as disclosed by Ochiai. Ochiai provides motivation in that a communications board can allow a device to communicate with other devices (column 7, lines 35-50). Fenstemaker et al. and Ochiai fail to disclose sending inputted image information to an external device which is a transmission destination. Shimizu et al. discloses sending inputted image information to an external device which is a transmission destination (column 1, lines 51-57). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. as modified above in this rejection such that it sends inputted image information to an external device which

is a transmission destination, as disclosed by Shimizu et al. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicants' invention that transmitting information between devices allows more than one device to access the information.

15. Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Shimizu et al.

As per **Claim 17**, Fenstemaker et al. fails to disclose a scanner for scanning a desired document image as image information. Shimizu et al. discloses a scanner for scanning a desired document image as image information (column 3, lines 29-36). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it includes a scanner for scanning a desired document image as image information, as disclosed by Shimizu et al. Shimizu et al. provides motivation in that it states that a reader unit can be used to read an image (column 3, lines 29-36).

As per **Claim 18**, Fenstemaker et al. fails to disclose an image processing unit for performing predetermined image processing with respect to inputted image information. Shimizu et al. discloses an image processing unit for performing predetermined image processing with respect to inputted image information (column 39, line 61, through column 40, line 10). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it includes an image processing unit for performing predetermined image processing with respect to inputted image information, as disclosed by Shimizu et al. Shimizu et al. provides motivation in that it states that the image

processing unit can be used to control image processing and store processed images (column 39, line 62-64).

As per **Claim 19**, Fenstemaker et al. fails to disclose a storage device for temporarily storing image information. Shimizu et al. discloses a storage device for temporarily storing image information (column 40, lines 11-23). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it includes a storage device for temporarily storing image information, as disclosed by Shimizu et al. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicants' invention that it is useful to be able to store information temporarily so that it may be used later.

As per **Claim 20**, Fenstemaker et al. fails to disclose a printer for printing out inputted image information. Shimizu et al. discloses a printer for printing out inputted image information (column 3, lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it includes a printer for printing out inputted image information, as disclosed by Shimizu et al. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicants' invention that it is sometimes useful to be able to print out image information.

As per **Claim 21**, Fenstemaker et al. fails to disclose a network scanner function, whereby image data scanned by a device is transferred to another. Shimizu et al. discloses a

network scanner function, whereby image data scanned by a device is transferred to another (column 39, line 61, through column 40, line 10). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it includes a network scanner function, whereby image data scanned by a device is transferred to another, as disclosed by Shimizu et al. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicants' invention that transmitting information between devices allows more than one device to access the information.

16. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Kelly, U.S. Patent No. 6,442,595 B1. Fenstemaker et al. fails to disclose an e-mail function, whereby scanned image data is transmitted in the form of an attachment file of an e-mail. Kelly discloses an e-mail function, whereby scanned image data is transmitted in the form of an attachment file of an e-mail (column 2, line 43, through column 3, line 7; claims 1 and 7). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it includes an e-mail function, whereby scanned image data is transmitted in the form of an attachment file of an e-mail, as disclosed by Kelly. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicants' invention that it is sometimes useful to be able to send scanned image data to an e-mail account.

17. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. in view of Nakajima et al., U.S. Patent No. 5,523,859. Fenstemaker et al. fails to disclose a security function, whereby image data once printed out is erased. Nakajima et al. discloses a security function, whereby image data once printed out is erased (column 1, lines 51-63). It

would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that it includes a security function, whereby image data once printed out is erased, as disclosed by Nakajima et al. Nakajima et al. provides motivation in that it is desirable to be able to erase confidential information from a device's memory after copying the information (column 1, lines 51-53).

18. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenstemaker et al. Fenstemaker et al. discloses:

- a trial management system (column 1, lines 38-50);

- a storage section storing one or more functions to be a target of trial (column 1, lines 38-50; column 2, lines 35-38);

- a trial instruction giving section for receiving a user's instruction on a trial period for said function (column 1, lines 38-50);

- a specifying section for specifying a function, a trial of which is started, according to an instruction received by said trial instruction giving section (column 1, lines 38-50);

- a control section for setting a trial period for the function specified by said specifying section in accordance with the instruction received by said trial instruction giving section (column 1, lines 38-50; column 4, lines 16-30; column 5, lines 1-13);

- a program for a computer (column 5, lines 41-67);

- a computer-readable recording medium (column 5, lines 60-63).

Fenstemaker et al. fails to disclose the function-controlling program being recorded on a computer-readable recording medium. However, that element/limitation was well-known in the art at the time of applicants' invention (computer programs are commonly recorded on computer-

readable recording media). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Fenstemaker et al. such that the function-controlling program is recorded on a computer-readable recording medium, as was well-known in the art at the time of applicants' invention. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicants' invention that computer-readable recording media is a typical way to record computer programs.

Conclusion

19. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nathan Erb
Examiner
Art Unit 3639

nhe

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER